

4. Pursuant to stipulation of all parties the duty of water is fixed at 3.70 acre-feet per acre of land as recommended by the State Engineer in the Proposed Determination provided, however, this is on an interlocutory basis and subject to any interested party petitioning the Court to show why the duty should not be increased or decreased.

5. Water Users Claim No. 52 covers Application to Appropriate No. 18294. This application has been rejected by the State Engineer since the Proposed Determination was filed and no appeal was taken from this decision. Any claim under this application is therefore disallowed.

V.

ISSUES TO BE TRIED

1. What is the extent of the rights awarded by the Court in the case of Burns Bench Irrigation Co. vs. Ira Burton, et al, Civil No. 12, Uintah County, signed by Judge Charles H. Hart on August 12, 1896?

This issue involves Water Users Claims Nos. 4; 6 through 11, inclusive; 20 through 26, inclusive; 28 through 40, inclusive; and 54. The owners of said claims assert that the rights set forth in the Proposed Determination are in accord with the awards made in said decree. The protestants represented by Arthur H. Nielsen admit that a water right exists under said claims but allege that the irrigated acreage has been enlarged over the acreage that was decreed by the Court without any right.

2. What is the extent of the rights awarded in the case of Henry C. Ruple, et al v. Burns Bench Irrigation Company, et al, Uintah County, signed by Judge A. V. Watkins on November 13, 1930?